

- Amended Complaint -

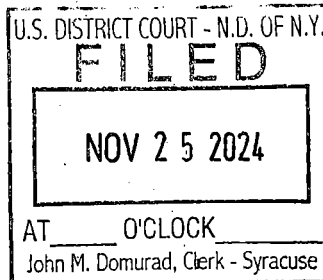
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORKDanielle Medbury
Christopher Zike
William Snyder
Aleck Kierpiec

Plaintiff(s),

v.

AMOR Bell

Defendant(s).

COMPLAINT
(Pro Se Prisoner)Case No. 9:24-cv-01144
(Assigned by Clerk's
Office upon filing)

Jury Demand

☒ Yes
☐ No

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's social security number, taxpayer identification number, or birth date; the name of a person known to be a minor; or a financial account number. A filing may include *only* the last four digits of a social security number or taxpayer-identification number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Fed. R. Civ. P. 5.2.

I. LEGAL BASIS FOR COMPLAINT

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution and laws of the United States. Indicate below the federal basis for your claims.

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
☐ *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
☐ Other (please specify) _____

II. PLAINTIFF(S) INFORMATION

Name:

Amar Bell

Prisoner ID #:

14A0849

Place of detention:

Marcy C.F.

Address:

Box 3600,

Marcy, New York 13403

Indicate your confinement status when the alleged wrongdoing occurred:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Immigration detainee

Provide any other names by which you are or have been known and any other identification numbers associated with prior periods of incarceration:

If there are additional plaintiffs, each person must provide all of the information requested in this section and must sign the complaint; additional sheets of paper may be used and attached to this complaint.

III. DEFENDANT(S) INFORMATION

Defendant No. 1:

Medbury Danielle

Name (Last, First)

Deputy First Superintendent

Job Title

Marcy C.F., Box 3600, Marcy

Work Address

Marcy

City

New York

State

13403

Zip Code

Defendant No. 2:

Zike Christopher

Name (Last, First)

Captain

Job Title

marcy C.F., Box 3600

Work Address

marcy New York 13403

City

State

Zip Code

Defendant No. 3: Snyder William

Name (Last, First)

Deputy Supt. for Security

Job Title

marcy C.F., Box 3600

Work Address

marcy New York 13403

City

State

Zip Code

Defendant No. 4: Kierpiec Aleck

Name (Last, First)

captain

Job Title

marcy C.F., Box 3600

Work Address

marcy New York 13403

City

State

Zip Code

If there are additional defendants, the information requested in this section must be provided for each person; additional sheets of paper may be used and attached to this complaint.

IV. STATEMENT OF FACTS

State briefly and concisely the facts supporting your claims. Describe the events in the order they happened. Your statement of facts should include the following:

- The date(s) on which the events occurred
- Where these events took place (identify the facility and, if relevant, the specific location in the facility)

- How each defendant was involved in the conduct you are complaining about

If you were physically injured by the alleged misconduct, describe the nature of your injuries and the medical evaluation and treatment you were provided. You need not cite to case law or statutes or provide legal argument in the Statement of Facts. Use additional sheets of paper if necessary.

On 3/13/23 at Marcy C.F. - RMH U. I've
been subjected to degrading, dehumanizing,
sadistic, unlawful behavior and treatment by
approving authority DSS Snyder, DSMH Medbury,
Captain Kierpiec, Lt. Zike by placing me in a
restraint in the form of bondage that subjects
me to be in full restraints (leg shackles, hand-
cuffed to a desk with a metal bar in between
the handcuffs) for four hrs per day Monday
thru Friday while in a group setting that
constricts blood circulation throughout my
physical body, causing muscle spasm, panic
attacks, and anxiety attacks for the purpose
to humiliate for alleged lewd conduct and all
the State actors deprived me the right to a
disciplinary proceeding to challenge the accusations
being brought against me

V. STATEMENT OF CLAIM(S)

State briefly and concisely the constitutional and/or statutory basis for each claim you seek to assert and identify the defendant(s) against whom each claim is

asserted. Commonly asserted claims include: excessive force; failure to protect; deliberate indifference to medical needs; unconstitutional conditions of confinement; denial of due process in a disciplinary or other proceeding; denial of equal protection; retaliation for the exercise of a First Amendment right; and interference with free exercise of religion. Legal argument and case citations are not required. Use additional sheets of paper if necessary.

FIRST CLAIM

Denial of due process in a disciplinary proceeding which was not afforded to challenge these accusations by DSS Snyder, DSM H Medbury, Captain Kierpiec, Lt. Zike

SECOND CLAIM

Unconstitutional conditions of confinement by authorizing the unlawful approval to place me in leg shackles handcuffed to a desk with a metal bar in between a typical and significant hardship by DSS Snyder, DSM H Medbury, Captain Kierpiec, Lt. Zike

THIRD CLAIM

Cruel and unusual punishment by subjecting me to an unlawful form of restraints that handcuffed me to a desk with a metal bar in between the handcuffs

VI. RELIEF REQUESTED constricting blood circulation, muscle spasms (painful), panic attacks for four hrs five days a week by DSS Snyder, DSM H Medbury, Captain Kierpiec, Lt. Zike
State briefly what relief you are seeking in this case.

~~Monetary~~ monetary relief of \$ 3,000,000

and injunctive relief to prevent this further treatment

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 11/18/24

Ammon B. Bell

Plaintiff's signature
(All plaintiffs must sign the complaint)

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of New York

Amar Bell

Plaintiff

Danielle Mechury, Christopher Rife

Alex Kierpiec, William Snyder

Defendant

Civil Action No. 9:24-cv-01144

SUMMONS IN A PRO SE CIVIL ACTION

To: (Defendant's name and address)

Marcy C.F., Box 3600

marcy, New York 13403

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Lawrence K. Baerman

Clerk of Court

Date: _____

Signature of Deputy Clerk

CIVIL COVER SHEET

JS 44 (Rev. 07/16)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Amar Bell

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

N/A / Pro Se

DEFENDANTS William Snyder, Aleck Kierpiec
Danielle Medbury, Christopher Zike

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

N/A

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff, and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	TORTS	PROPERTY RIGHTS	LABOR	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage			<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability				<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability					<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury					<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice					<input type="checkbox"/> 490 Cable/Sat. TV
<input type="checkbox"/> 195 Contract Product Liability						<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 196 Franchise						<input type="checkbox"/> 890 Other Statutory Actions
						<input type="checkbox"/> 891 Agricultural Acts
						<input type="checkbox"/> 893 Environmental Matters
						<input type="checkbox"/> 895 Freedom of Information Act
						<input type="checkbox"/> 896 Arbitration
						<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
						<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 1983 Civil Rights

Brief description of cause:

denial of due process, unconstitutional conditions of confinement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND:

☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

MARCY CORRECTIONAL FACILITY

BOX 3600

MARCY, N.Y. 13403-3600

NAME: Amar Bell DIN: 14A0849

SYRACUSE NY

22 NOV 2024 PM 3 L

NEOPOST

11/22/2024

US POSTAGE

\$009.92

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE**CERTIFIED MAIL®**

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U.S. DISTRICT COURT

JOHN M. DOMURAD, CLERK

NOV 25 2024

RECEIVED

13261-736767

USDC, Northern District of
New York
Federal Bldg and Courthouse
P.O. Box 7367
Syracuse, New York 13261-7367

E-MAIL